

Lincoln D. Bandlow, Esq. (CA #170449)  
Fox Rothschild LLP  
Constellation Place  
10250 Constellation Blvd., Suite 900  
Los Angeles, CA 90067  
Tel.: (310) 598-4150  
Fax: (310) 556-9828  
[ibandlow@foxrothschild.com](mailto:ibandlow@foxrothschild.com)

*Attorneys for Plaintiff*  
*Strike 3 Holdings, LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

STRIKE 3 HOLDINGS, LLC,  
  
Plaintiff,

vs.

JOHN DOE subscriber assigned IP address  
76.103.77.3,  
  
Defendant.

Case Number: 4:19-cv-00167-KAW

Honorable Kandis A. Westmore

**PLAINTIFF'S *EX-PARTE*  
APPLICATION FOR EXTENSION OF  
TIME WITHIN WHICH TO  
EFFECTUATE SERVICE ON JOHN  
DOE DEFENDANT AND FOR  
ADJOURNMENT OF THE INITIAL  
CASE MANAGEMENT CONFERENCE**

Plaintiff, Strike 3 Holdings, LLC ("Plaintiff"), makes this *ex parte* application for entry of an order extending the time within which to effectuate service on John Doe Defendant and adjourning the Initial Case Management Conference scheduled for April 9, 2019, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On January 30, 2019, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP to obtain the Defendant's identifying information [CM/ECF 10]. Plaintiff issued the subpoena on or about February 20, 2019 and, in accordance with the time allowances

1 provided to both the ISP and Defendant, expects to receive the ISP response on or about May 1,  
2 2019.

3 3. On March 28, 2019, Defendant filed a Motion to Quash Subpoena with the  
4 Court. [CM/ECF 11]. Defendant's Motion to Quash is currently pending before the Court.

5 4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service  
6 on the Defendant no later than April 9, 2019. Because Defendant's Motion to Quash is pending  
7 before the Court, Plaintiff is unable to effectuate service of process.

8 5. Pursuant to the Court's Initial Case Management Scheduling Order with ADR  
9 Deadlines filed January 10, 2019, there is a Case Management Conference scheduled for April  
10 9, 2019 at 1:30 p.m. [CM/ECF 5]. Prior to the Initial Case Management Conference, the  
11 parties are required to confer and submit to the Court a proposed Case Management Statement.  
12 Because the Defendant has not yet been served, Plaintiff is unable to anticipate the specific  
13 information required in the proposed Case Management Statement, including issues such as  
14 timing, electronic discovery, or even whether Plaintiff will ultimately proceed against  
15 Defendant.

16 6. For the foregoing reasons, Plaintiff respectfully requests that the time within  
17 which it has to effectuate service of the summons and Complaint on Defendant be extended  
18 sixty (60) days, and thus the deadline to effect service be extended to June 8, 2019, and that the  
19 Initial Case Management Conference scheduled for April 9, 2019 be adjourned until after  
20 Defendant has been served with the summons and Complaint.

21 7. This application is made in good faith and not for the purpose of undue delay.

22 8. This is Plaintiff's first request for an extension and adjournment. None of the  
23 parties will be prejudiced by the granting of this request.

24 WHEREFORE, Plaintiff respectfully requests that the time within which it has to  
25 effectuate service of the summons and Complaint on Defendant be extended until June 8, 2019  
26 and that the Initial Case Management Conference currently scheduled for April 9, 2019 be  
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1 adjourned until after the Defendant has been served with the summons and Complaint. A  
2 proposed order is attached for the Court's convenience.

3 Dated: April 2, 2019

Respectfully submitted,

4 By: /s/ Lincoln D. Bandlow  
5 Lincoln D. Bandlow, Esq.  
6 FOX ROTHSCHILD LLP  
7 *Attorney for Plaintiff*  
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